

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HENRY JOINER,

*

Plaintiff,

*

v.

* CIVIL ACTION NO. 2:05-CV-661-D

MONTGOMERY POLICE DEPT.,
et al.,

*

*

Defendants.

ORDER ON MOTION

Upon consideration of Plaintiff's Motion to Amend Complaint (Doc. No. 6) and for good cause, it is

ORDERED that the motion is DENIED.¹

Done, this 1st day of August, 2005.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE

¹

The court is cognizant of Plaintiff's efforts to challenge his current incarceration on the ground that he is being required to serve a sentence which he previously served and completed. However, Plaintiff is again advised that the sentence about which he complains has not been invalidated in an appropriate proceeding. Thus, his attempt to mount a collateral attack on his current incarceration based on an allegedly expired sentence is prohibited as *habeas corpus* is the exclusive remedy for a prisoner who challenges the validity of the fact or duration of his confinement. See *Edwards v. Balisok*, 520 U.S. 641, 645 (1997); *Heck v. Humphrey*, 512 U.S. 477, 481 (1994); *Preiser v. Rodriguez*, 411 U.S. 475, 488-90 (1973).

